

JOSEPH MEZZONE  
 Name  
HIGH DESERT STATE PRISON  
PO BOX 650, INDIAN SPRINGS, NV 89070  
# 68549  
 Prison Number

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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: <u>KMR</u>	DEPUTY

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

JOSEPH L. MEZZONE, )  
 Plaintiff, )  
 )  
 vs. )  
 1) Christopher Smith (NDOC OFFICER), )  
 2) LT Brannon (NDOC LT. OFFICER), )  
 3) MS LISA WALSH (NDOC NVIC Warden), )  
 4) Mr Boca (NDOC NVIC Warden), )  
 5) Mr E.K. McDonald (Asstmt Director NDOC), )  
 6) Mr Cox (Director NDOC), )  
 Defendant(s). )  
 )

CASE NO. 3:15-cv-00499-MMD-WGC  
 (To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983  
 (FIRST AMENDED COMPLAINT)  
 JURY TRIAL DEMANDED

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, JOSEPH MEZZONE,  
 (Print Plaintiff's name)

who presently resides at High Desert State Prison, PO Box 650, Indian Springs, NV 89070, were  
 violated by the actions of the below named individuals which were directed against  
 Plaintiff at Nevada Correctional Center, Carson City, NV 89701-7002 on the following dates  
 (institution/city where violation occurred)

(14th Amendment 5-1-15 for 3-28-15), and \_\_\_\_\_.  
 (Count I) (Count II) (Count III)

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

1) Defendant Christopher Smith resides at NCI Prison, P.O. Box 7000, Carson City, NV. 89701-7000  
 (full name of first defendant) (address of first defendant)  
 and is employed as Correctional Disciplinary Warden Officer (NCC). This defendant is sued in his/her  
 (defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: He wrote the Notice of Charges for Plaintiff Disciplinary Hearing process & and part of that process by doing so for NCC as of AR 707

2) Defendant Mr. Brannon resides at NCI Prison, P.O. Box 7000, Carson City, NV. 89701-7000  
 (full name of first defendant) (address of first defendant)  
 and is employed as Corrections Officer Disciplinary Hearing (NCC). This defendant is sued in his/her  
 (defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: He was the 5-1-15 Disciplinary Hearing Officer who presided my writup with out due process of law for NCC AR 207

3) Defendant Lisa Walsh resides at NCI Prison, P.O. Box 7000, Carson City, NV. 89701-7000  
 (full name of first defendant) (address of first defendant)  
 and is employed as AWO (Warden) Grievance Coordinator NCC For NCC. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: She was the AWO and Grievance Coordinator and agent of the Appeal process for my 5-1-15 Disciplinary process AR 707 and final decision maker and trainer for employees for NCC (NCC) Disciplinary Hearings.

4) Defendant Mr. Braga resides at NCI Prison, P.O. Box 7000, Carson City, NV. 89701-7000  
 (full name of first defendant) (address of first defendant)  
 and is employed as Head Warden At NCC For NCC. This defendant is sued in his/her  
 (defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
 acting

under color of law: He was the head Warden and agent of the Appeal process for my 5-1-15 disciplinary process AR 707 and final decision maker and trainer for those employees for NCC Disciplinary Hearings.

5) Defendant Mr. R.R. McDaniel resides at P.O. Box 7000, Carson City, NV. 89701-7000  
 (full name of first defendant) (address of first defendant)  
 individual  official capacity. This defendant is sued in his/her

Under Color of Law: Assistant Director, trainer employees, final decision maker for NCC at NCC Prison Disciplinary AR 707 processes. Explain how this defendant was

6) Defendant Mr Cox resides at Po Box 7001, Carson City, NV 89702,  
(full name of first defendant) (address of first defendant)  
and is employed as Head Director for NDOC Employee/procceeds. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: He was the Director of Prison for (NDOC) Policies AR 207 Disciplinary  
Hearings 5-1-15 and a final decision made and signed the AR 207 as that

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1333 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

- 1) Under 11th Amendment all purpose violated Plaintiff's 14th Amendment Right and therefor should not be allowed to invoke the 11th Amendment.
- 2) 42 USC § 1976 Civil Rights Attorney Fees of 42 USC § 1988 and Plaintiff's cont.
- 3) § 242 Criminal Counter Part to a § 1983
- 4) 42 USC § 1985 2)(c) 3) Conspiracy to fabricate, not allow evidence, false witness, and punishment and witness.  
Under New evidence FRCP 60(b) to my Amended Complaint.

#### B. NATURE OF THE CASE

1) Briefly state the background of your case.

On 5-1-15 plaintiff had a Nevada Dept. Corrections Disciplinary Hearing with my self Joseph Mizrahi #68547, NDOC LT. Brannon Hearing Officer, And Christopher "Dreyerle #1010262 my only witness allowed," by my request were all present at the disciplinary hearing. During this Hearing Lt. Brannon (recorded all proceedings), Asked Plaintiff his response and Plaintiff plead not guilty and Lt Brannon read plaintiff his Miranda rights to a possible Criminal sanctions. Plaintiff statement was heard but C. Smith on 3-28-15 and Plaintiff requested all witnesses and video to the 3-28-15 incident to statements and view. Lt Brannon denied all witnesses except Christopher Dreyerle #1010262 my self at the time in 5-1-15 Unit. Mr. Brannon would not copy of the video requested, said there is no video and its official use only. (There's a Video Camera Stationary in Unit 5 in 'A-B-C' wings, Also Back Entrance Door and Front Entrance Door and there was hand held video by Cpl Sergeant Robertson and a Search and Escort Officer on seen 3-28-15 During the punishment on the spot before disciplinary hearing.

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#### C. CAUSE OF ACTION

## B. NATURE OF THE CASE

(CONTINUED)

Witness information said by C. Smith (noa) officers report said there were inmates around us and the Rotunda was full of inmates which I have a due process right under "AR 707 NOOC" and "Wolff v. McDowell" to be allowed witness and video evidence to cross examine and Marshall the facts of my accusers. (I was DENIED ON TAPE) Mr Brannon only allowed my cell Chnr Deyerdy #1010262 and he told what he saw to his eye witness ability from the area of incident, which is on page 1 of 4 on Disciplinary Form #7 under Witness Information. (I/M Mirzon requested I/M Deyerdy #1010262 and I/M testimony was accepted as relevant and is as follows: Four Cops came in our house 5-B-29 cell and tore it apart. I know Joe was going to tell the cop that the house needs to be put back together. When I came out Joe was on the wall. C/Smith went to grab his arm and Joe said what are you doing. C/Smith took him to the ground and said stop resisting. He then yelled for everyone to lock down. At this time other officers arrived and yelled to lock down and I locked down) Mr Deyerdy testimony was accepted as ACCEPTED/RELEVANT. And not one time does Inmate Deyerdy state that Inmate Mirzon struck or assaulted or battered or cussing at C. Smith Ch. And I/M Deyerdy stated they saw on tape also that there were all kinds of Inmates that saw the same thing and I/M Scotty Cox a inmate but none were allowed or called as witnesses in the rotunda of Unit 5 in behalf of plaintiff or against C. Smith's report. Defendant Smith doesn't order any witnesses or any staff to witness his version of events on his write up, including a Inmate, Deyerdy on what he said, nor does C. Smith say Deyerdy lied at the disciplinary hearing. And none of the Inmates at the incident on 3-28-15 were a threat nor irrelevant to plaintiff's hearing, nor did the LT Branon say on tape they would be or on paper so Plaintiff should of been allowed the witnesses. Plaintiff wanted all the Video Evidence prior to the Disciplinary Hearing and asked AWP Lisa Walsh and Wards and the answer was "Adhere to it" and she or the other Wards give me anything and they and MR Branon Denied me Video evidence because I was not allowed it. (See Kite Attached to Wards for Video/Witnesses). And AR707 Page 5 of 38 1.9-A Qualified

## B. NATURE OF THE CASE

(CONTINUED)

opportunity to call witnesses with substantive knowledge of issues and present documentary evidence provided that to do so will not jeopardize institutional security or correctional goals. (This includes video by law). Chris Devere was a inmate witness he was working yard labor that day and Mr Brannon LT called him on the intercom and said of called the other witness inmate as well, or any Clos witnesses. These were eye witnesses not hearsay. Also any and all pictures was denied. Mr Brannon was asked "What would this video do?" and Plaintiff told him as said above, and was still denied all, and he said its our policy to show you the video. Plaintiff was Charged for the following charges: Cussing a G9, Battery MJ3 and Assault MJ2 by only staff report C. Smith evidence. Mr Brannon drops the Cussing and Assault and finds me guilty of battery MJ3 and giving Plaintiff 2 year Disciplinary Segregation for prior write ups in the past as far as 8 year back, and Plaintiff is on a new sentence. Those prior incidents were false to and Plaintiff was cuffed/shackled when those happen and (now) has a policy after they beat you or a incident happens they reverse the charges that they should of got to give you a disciplinary falsely. By C. Brannon charging Plaintiff and starting on tape he's punishing Plaintiff for his part is Double Jeopardy, punished for the same crimes twice. And for the record I was under mental health when they beat me. This administration and Warden Walsh, Warden Brant, Assistant Director Eric McDowell and Director Cox all know Plaintiff didn't hit C. Smith and all conspired and retaliated against Plaintiff for this and prior grievances and lawsuits to obstruct Justice, commit perjury, Malicious prosecution, False Arrest, Conspire to Commit with C. Smith, Sergeant Robertson and the other CPO's which <sup>was</sup> written on the disciplinary and makes all of them apart of Plaintiff's Write up and punishment illegally, and most recently Under FRCP 60(b) new evidence on Case # 3:15-cv-00313-MMD-VRP Plaintiff received a "LIMITED NOTICE OF APPEARANCE" dated 1-15-16 and the defendant C. Smith is asking for a out of Court

## B. NATURE OF THE CASE

(CONTINUED)

Settlement on that case which he doing so is a statement of guilt and lying on his report on this case, because plaintiff only sued C. Smith for his trying to violate plaintiff's rights and under the 1st Amend to USC for says words only and him assaulting me for it under the 8th Amend. on the other case. He said he didn't do anything to me. He filed a false report here to punish me 2 years and so did the other defendants by conspiring to do so with him and as said.

And by all defendants doing so illegally put me in a atypical and hardship by (1) Plaintiff disciplinary segregation is not the same as GP At NMC he proves this by comparing ELY STATE PRISON (max) TO GP NMC PRISON MED/ME YARD and does so to Show all the things at GP Level ~~not~~ Lost: (1) 2 years locked down now; (2) NO packages; (3) Criminal Sanctions possible; (4) Short Rec'd days lost (5) Restoration possible; (6) Abusing punishment on spot (7) Coffee Shop; (8) Yard 3 times a week with Gym; (9) Brand Room Privileges and my band players; (10) Church and Choir Practice (11) Dining room meals bigger and hotter; (12) Hand Cuffed and leg shackled every where; (13) Visits Contact with my family; (14) Store privileges; (15) Appliance privileges; (16) Clothing privileges have to wear orange jump suit; (17) Shower every day (18) Law Library (19) Free time in Units Hill 11pm (20) False Disciplinary of Assult and Battery on record. (21) Put on High Risk Prisoner status for 3 months without due process; (22) Took off a medical yard for mental health without due process. (23) Moved from a medium yard to max yard 250 miles from anything and other related punishments, sanctions, and privileges. And no additional due process for punishment of the Loss of Visits, store, and appliances, my sanctions on my Summary Judgment only say 24 months DS time in which <sup>shows</sup> a difference between GP and OSeg.

Disciplinary Segregation is not the same as General population what so ever. Plaintiff was <sup>due</sup> for a panel this year 2016 and it may effect that decision making process, and make plaintiff stay in confinement longer. All defendants were involved per AR 707 Administration Regulation Inmate Disciplinary Processes and plaintiff will show each one on Const 1 14th Amend to USC on this Complaint per AR 707. (By the new evidence of Smith wanting a deal and the officer that took procedures and the other defendants conspiring to false evidence I revised Conspiracy.)

### C. CAUSE OF ACTION

#### COUNT I

The following civil right has been violated: Amendment 14 All persons have or born in naturalized in the United States, and subjected to the resid. No state shall make or enforce any law which shall abridge the privileges or immuniter of citizens of the U.S. nor shall any states deprive any person of life, liberty or property without due process of law or deny to any person any state deprive any within its jurisdiction the equal protection of laws. Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

All defendants Violated Plaintiff's 14<sup>th</sup> Amendment rights to USCA and the 5<sup>th</sup> Amendment to not be punished for the same crimes twice which is Double Jeopardy and Plaintiff explain how each were violated.

1) Christopher Smith (NDOC) Officer: Mr. Smith did so by writing a False Disciplinary Report stating Plaintiff hit him in the temple of his face as he was wasfully Plaintiff down for causing accintly to his report. And by doing so he caused plaintiff punishment on the spot in Unit 5 Rotunda on 3-28-15 at NDOC Prison by him and his partners beating plaintiff and causing him severe injuries and permanent damage to his health. Mr. Smith conspired with the other defendants to write this false report and false pictures of side force and a hand with a cut on top of fore finger/right side. And by doing so plaintiff was convicted in a Disciplinary Hearing 5-1-15 as Smith being the charging officer and report and caused plaintiff hardship and Atypical situation by 2 years DS ect. See; (B. Nature of Case Page 3-C.) He lied on this report and this report is apart of the disciplinary process See; (NDOC) AR 707 Disciplinary Process: AR 707 P.9 2 of 38 Charging Employee, AR 707 3 of 38 DISCIPLINARY PROCESS, AR 707 P.9 4 of 38 NOTICE OF CHARGES, AR 707 i.9, AR 707.02-1.1 •Notice of Charges (NDOC-3017), AR 707.04 1.1 Notice of Charges, AR 707.04 1.i to P.9 7 of 38, AR 707 1.3.6 Evidence •A finding of Guilt must be based on some evidence, regardless of the amount. In all C. Smith is a very much part of the disciplinary process personal and offical. If he wouldnt of had an false write up Plaintiff would not have been punished without due process by other defendants, but instead he conspired with other defendants to violate Plaintiff due process rights by a false report and sending false pictures and reports to the Investigator General and the Disciplinary C/O Brannon, and he did so inwhich caused plaintiff a criminal sanction to be reval to plaintiff from AR 707 procedure. He has serve then on a related case # 3:15-cv-00313-MMD-VPC

## C. CAUSE OF ACTION COUNT 1

(CONTINUED)

filed a "LIMITED NOTICE OF APPEARANCE" dated January 15, 2016 in the US/DOJ/COURT M&V on excessive force, lying on this report, and false evidence that plaintiff charged him on the 8<sup>th</sup> and 1<sup>st</sup> and 14<sup>th</sup> Amend to USCA with his attorney and two other Correctional Officers which conspired to use false pictures and evidence that plaintiff charged them for as well. So if this Court looks at that its a sign of guilt in itself to want to settle out of Court and tell the truth with plaintiff accusations being almost exact as far as C. Smith Consipring and lying on the Disciplinary Report. See; (Case # 3:15-cv-00313-mmd-vpc Document 1-1 B. NATURE OF THE CASE Pg 3-C, Pg 4, Pg 4A, 5-D to 5-E, Pg 6.) also see; (Case # 3:15-cv-00313-mmd-vpc Document 7 dated 1-15-16.)

(?) MR BRAMMER (NDOC) LT OFFICER: This defendant has been stated by this court to proceed with a 14<sup>th</sup> Amendment Violations as the Disciplinary Hearing Officer on Plaintiff original written case. See; (Case # 3:15-cv-00499-mmd-wgc SCREENING ORDER dated 3-2-16 Document # 4 Pg 9 Line 25-26.) also see; (B. NATURE OF CASE Pg. 3 to 3-C.)

3) Ms WALSH (NDOC) Awd; (4) Mr BACA (NDOC) Warden; (5) MR EK MCORANIE (NOC) Assistant Director; and (5) MR COX (NDOC) Director all are personally and officially involved per (NOC) AR 707 Disciplinary Process and all Conspired to with C. Smith to file a false report for Disciplinary Hearing and Sanctions that followed and did so by false evidence that all would have to prove and agree to go to this process on 5-1-15 Disciplinary Hearing Process and to the Investigator General's Office Mr Moore to say with all defendants that plaintiff hit C. Smith who wrote the report with there approval, training and directing and using false pictures, reports, evidence of side of C. Smith's Face and a right hand cut on top of Fore Knuckle to say Plaintiff hit C. Smith in his temple as the Disciplinary States in which all there involvement put Sanctions through C/o Brammer knowing all knew Plaintiff did nothing and because of that Plaintiff received harsh sanctions and a Atypical and Hardship <sup>Complaint</sup> ~~to~~ to a G.P minimum to a Super Max at Ely Prison.

## C. CAUSE OF ACTION (CONT)

(CONTINUED)

See (B. NATURE OF CASE Pg 3 to Pg 3C) Also Plaintiff will show more involvement per there own Rules on AR707 in order: AR707 Pg 2 of 38 707.01 to 707.14 To establish an inmate disciplinary System within the Department (3-4215); AR707 AUTHORITY NRS 269.131 and NRS. 269.246; AR707 2 of 38 CHARGES EMPLOYEE; AR707 Pg 3 of 38 DISCIPLINARY PROCESS; AR707 4 of 38 1.4 Corporal Punishment or inhumane treatment is prohibited (3-4268) and Defendant certainly has allowed plaintiff to receive this treatment, interrogation, Contras in cells, torcher acts. AR707 Pg 5 of 38 1.9; AR707.02 DISCIPLINARY PROCESS STRUCTURE 1.1; AR707 Pg 6 of 38 Appeals and AR707.04 INMATE DISCIPLINARY PROCESS 1.1, 1.1.1.1, 1.1.2, 1.1.3, Pg 7 of 38 1.1.4, 1.1.5, 1.1.6 In any event of a investigation, the investigator may Complete a Notice of Charges or Submit a report to the institutional Warden who will insure that a Notice of Charges is initiated (3-4220), AR707(1.1.8 and 1.1.8.3; AR707 Pg 14 of 38 1.3.5.6, 1.3.5.7, and they all conspired to not allow plaintiff to see video evidence and receive the witnesses on 3-28-15 in Unit 5. also inclosed/attached is a Note I wrote to Warden Ms Walsh to retain video /still pictures/ witness and this wrote on 4-5-15 (1 month) prior to 5-1-15 Disciplinary Hearing, and the answer officially involved said "Adhere to the Process" and she nor the rest of the Defendant Complied to this.) AR707 Pg 15 of 38 1.3.6 Evidence, 1.3.6.2 (Evidence is relevant if it assists the Disciplinary Hearing Officer or Preliminary Hearing Officer in determining a fact necessary to determine guilt or innocence.) AR707 Pg 16 of 38 1.3.7.2 (Guilt or innocence shall be determined solely on the evidence presented at the hearing or reviewed prior to the hearing by the Disciplinary Hearing Officer) AR707 17 of 38 1.5 Disciplinary Appeals, 1.5.1, 1.5.2, 1.5.3, 1.5.4 Warden's Response, 1.5.4.1 Pg 18 of 38 1.5.4.2, 1.5.4.3, 1.5.4.4 (Those Warden's responded to my appeal 2 month past this whole process and Plaintiff should win his case by this as far as expungement of his record goes.) Grievance # 2006-29-99675 is attached to show. And plaintiff even complied to there answer and its been 8 months and no answer on that either on Appeal 4-B

C. CAUSE OF ACTION COUNT 1

(CONTINUED)

AR 707 Pg 25 of 38 1.2.3 (If the chart is followed, written documentation must be submitted to the Warden justifying the departure from the Chart of Disciplinary Sanctions for review and approval.)

AR 707 Pg 27 of 38 1.3 Wardens.

AR 707 Pg 29 of 38 707.10 REFERRALS FOR PROFILE REVOCATION

1.1.3.1 The Warden will determine if such an action is appropriate.

AR 707 Pg 31 of 38 1.4.3, 1.4.3.1

AR 707 Pg 38 of 38 The (NDOC) Director's name and signature on AR 707. And REFERENCES ACA 3-4214-4225; 3-4227-4236

ATTACHMENTS CHART OF DISCIPLINARY SANCTIONS

Chart NDOC Form 3010, Form 3017, Form 3018, Form 3019 Page 1, Form 3019 Page 2 and Form 3043

All Stated is to Show This Court the personal and official involvement in all disciplinary Proceders Per AR 707 NDOC.

• Also by all conspiring to a False Disciplinary report and false pictures, reports and evidence None were important to this whole process. See;

AR 707 Pg 4 of 38 707.01 DEPARTMENT POLICY 1.3

• Discipline should be applied in an impartial and consistent manner. They did not.

Also there involvement is participating, conspiring and ordering these officers to do all these violations and the trained them. And on behalf of the (NDOC) and its officers, directors, Employees former Employees, Agents, Predecessors, Boards, Committees, Divisions, Successors, Administrators and officers, Acting privately, Individually, or under law, Order, or Authority at, or for the benefit of, (NDOC) or its Operations, Including its operations arising from or relating to the Provision or delivery of medical care and protection to staff and Inmates, and further including any person responsible for promulgating, maintaining, Enforcing any rules or Disciplinary, Directives, regulations, There after all such persons are collectively referred to as a

C. CAUSE OF ACTION CONT'D

(Continued)

Defendants and The State of Nevada for all prisoners at (NNCC).

They sanctioned plaintiff by 24 months D&time, Retention, Criminal prosecution, stat A class referral and see; (B. NATURE OF CASE P.9. 3-C) and emotional distress of that punishment of not knowing and sanctioned. They have all retaliation by my whole time under Illegal Surveillance, Interrogations, gassed /chymants, use of laser equipment to hit vital areas in cell and other sources of torture tricks and equipment used as a test chymy on plaintiff. And because plaintiff ask for Injunction Relief it makes all Warden and Directors a defendant to plaintiff action.

EVIDENCE: 3-28-15 VIDEO TAPES IN UNITS 5,4,8,7. ALSO HAND HELD VIDEO FROM UNIT 5 TO UNIT 8 by Sergeant Robertson and she took still pictures and IG INVESTIGATION, MEDICAL RECORDS, WITNESS IN UNIT 5 and C/O's Reports, Warden Reports, Director Reports. And ~~5-1-15~~ 5-1-15 DISCIPLINARY TAPE RECORDING



#### D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal court involving the same or similar facts as involved in this action?  Yes  No. If the answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline)

a) Defendants: The State of Nev. in Rel. to (DOC) McDowell, Bryant, MDT  
 b) Name of court and docket number: # 3:11-CV-00186-LRH-WGC  
 c) Disposition (for example was the case dismissed, appealed or is it still pending?):  
It was dismissed by 9th Circuit Court  
 d) Issues raised: 8th and 14th Amendments for not allowing a Lawyer of one's own choice

e) Approximate date it was filed: January 20, 2011  
 f) Approximate date of disposition: Jan - 2015

2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?  
 Yes  No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: NOE Blauvelt at Ely Prison  
 b) Name of court and case number: # 3:07-CV-00209  
 c) The case was dismissed because it was found to be (check one):  frivolous:  
malicious or failed to state a claim upon which relief could be granted

d) Issues raised: 1st, 4th, 5th, 6th, 8th and 14th Amendments to USCA

e) Approximate date it was filed: 9-1-06  
 f) Approximate date of disposition: 6-6-07

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: \_\_\_\_\_  
 b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one): frivolous:  
malicious or failed to state a claim upon which relief could be granted

d) Issued raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (check one): frivolous:  
malicious or failed to state a claim upon which relief could be granted

d) Issued raised: \_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures?  Yes  No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a (1) disciplinary hearing; (2) state or federal court decision; (3) state or federal law or regulation; (4) parole board decision; or (5) other \_\_\_\_\_

If your answer is "yes", provide the following information. Grievance Number #200-29-99675

Date and institution where grievance was filed 1<sup>st</sup> Level Appeal 5-1-15 AND 2<sup>nd</sup> Level 6-17-15

Response to grievance: NO Response on the 1<sup>st</sup> level so plaintiff file 2<sup>nd</sup> level

Level 2 case but no response to that level either

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**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

- 1) Compensatory Relief of \$500,000 thousand Dollars
- 2) Punitive of \$500,000 thousand dollars.
- 3) Emotional Distress of \$ 500,000 thousand Dollars

Indecently 4) Injunction Relief Exsprise Disciplinary off reward For each put back in GP where two Indecently  
5) give any fine back? and restitutions money back? ~~Meant of State~~

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

My self  
(Name of person who prepared or helped prepare this complaint if not Plaintiff)

  
(Signature of Plaintiff)

 March 20, 2016  
(Date)

6) If (not) Cannot provide plaintiff with his medium states  
(Additional space if needed: identify what is being continued)

Plaintiff ask to move to a prison equal to, or out of State to accommodate his action in this law suit as truth. And become New evidence of Smith and CIOs involved and defendants company I still ask for Emergency Relief of release off of Disciplinary Segregation.

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner/Defendant named herein and that on this 20<sup>th</sup> day of March 2015, I mailed a true and correct copy of the foregoing document to the following: MARCI BRAS SLIP #1703508

1) To: Clerk of US Dist Court Nev.  
Dist of Nevada.  
400 South Virginia St., Room 301  
Reno, Nevada 89501

BRAS SIPP #1703508

Case# 3:15-cv-00499-MMD-WGC

2) Office of Attorney General  
100 N. Carson Street  
Carson City, Nev. 89701-6717

3) Plaintiff's Address Joseph Mizzone #68519  
Ely State Prison  
PO Box 1989  
Ely, NV, 89301

Jeff Tassi

*No Grievance  
Before 1<sup>st</sup> Level Appeal  
Was race Reopened.*

LOG NUMBER: 2006-277405

NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCE

NAME: JOSEPH L. MIZZONI I.D. NUMBER: 68549

INSTITUTION: NNCC PRISON UNIT: 7-B-62

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER \_\_\_\_\_, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Joseph L. Mizzoni DATE: 6-17-15

WHY DISAGREE: Because I Put in a Disciplinary Appeal in on 5-1-15 within the (15 day) Time limit of AR 707. This was for a incident I was illegally charged for Assault, Battery, Abusive Language, in which it has been well pass the Grievance time limit to answer the 1<sup>st</sup> level grievance and so in turn between that grievance and your Dept. not answering in a timely

GRIEVANCE COORDINATOR SIGNATURE: D. Clark DATE: 6/18/15

SECOND LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

       GRIEVANCE UPHELD        GRIEVANCE DENIED        ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

GRIEVANCE COORDINATOR SIGNATURE: By waas DATE: 7/1/15

INMATE SIGNATURE: Joseph L. Mizzoni DATE: 7-27-15

**THIS ENDS THE FORMAL GRIEVANCE PROCESS**

Original: To inmate when complete, or attached to formal grievance  
 Canary: To Grievance Coordinator  
 Pink: Inmate's receipt when formal grievance filed  
 Gold: Inmate's initial receipt

*RECEIVED  
INMATE RELATIONS  
DEPARTMENT OF CORRECTIONS*

JUN 10 2015

AMER - MMG

**NEVADA DEPARTMENT OF CORRECTIONS**  
**GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Joseph MizrahiI.D. NUMBER: 68549INSTITUTION: NNCC PrisonUNIT #: 7-B-62GRIEVANCE #: 2006-29-99675 GRIEVANCE LEVEL: 2<sup>nd</sup> LevelGRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Manner per AR 740. I would now ask that all my (Disc) Disciplinary be dismissed in the entirety and expunged of my Disciplinary record permanently, and I be released out of Disciplinary Segregation, back to the NNCC prison yard in Level 2 where I was. I Stand by my 1<sup>st</sup> Level Grievance on this 2<sup>nd</sup> Level Grievance. If not this yard move me to one where I can be individually treated and do my time without false Disciplinary and harassment and unjust punishment related to the 8<sup>th</sup> Amendment to the USCS. of Cruel and Unusual punishment and None Due Process of how and now add this under AR 740 and 14<sup>th</sup> Amendment to receive a answer in a timely manner to marchel the facts and respond to my appeal per AR 740. of Due process of Law.

Original: Attached to Grievance  
 Pink: Inmate's Copy

JUN 16 2016

NMP-PR

**NEVADA DEPARTMENT OF CORRECTIONS  
MEMORANDUM**

TO: Mizzoni, Joseph 68549

FROM: **Lisa Walsh, AWP/NNCC**

**DATE:** 7/8/2015

**SUBJECT: Improper Grievance #: 20062999675**

- Non-Grievable issue:
  - State and Federal court decisions
  - State, Federal, and local laws and regulations
  - Parole Board Decisions
  - Lacks Standing
- Untimely submission
- No remedy noted
- Abuse of Inmate Grievance Procedure
  - Any language, writing or illustration deemed to be obscene, profane, or derogatory
  - A threat of serious bodily injury to a specific individual
  - Specific claims or incidents previously filed by the same inmate
  - More than four (4) unfounded, frivolous or vexatious grievances per month
  - Allegations proven to be false
- The grievance contains more than one incident, issue, etc.
- Other; Specify: 3098 – You must attach the Informal and First Level of this grievance.

You may resubmit your grievance after correcting the above deficiencies. Failure to resubmit the grievance through the prescribed timeframe shall constitute abandonment.

 Witness Signature      Date: 1/23/15

Witness Signature

Date:

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**Inmate Signature**

Date:

**Cc: Original – Inmate**

### **Copy – Grievance File**

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
<u>Joseph Mizzone</u>	<u>68549</u>	<u>7-B-62</u>	<u>4-5-15</u>

4.) REQUEST FORM TO: (CHECK BOX)	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> LAW LIBRARY
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> SHIFT COMMAND
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input checked="" type="checkbox"/> OTHER <u>KILLER MS. WALSH</u> <u>For my Lawyer and Com</u>

5.) NAME OF INDIVIDUAL TO CONTACT: MS WALSH (Please Return all Video/Still pictures)

6.) REQUEST: (PRINT BELOW) MAN, I am in 7-B-62 I went to a hearing on 4-4-15 and Received my Notice of charges and was Regal everything in C16 Smith's Visiting Unit 5 on 3-28-15 he said he made Inmates to lock it up and they did, then he said he ordered several "Inmates" to get back ~~to~~ because this retunda was full of other inmates. AT the hearing I requested those inmates in the retunda and around myself and C16 Smith's NAMES on Affidavits to or any other Inmates version of events to be at my discipline. Also please request all video/still pictures from inside Unit 5 to 7-A-38 on 3-28-15 in order to Confront witness and evidence with charges against the man. Thank You

7.) INMATE SIGNATURE

Joseph Mizzone DOC # 68549

8.) RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

9.) RESPONSE TO INMATE

Adhere to the process

10.) RESPONDING STAFF SIGNATURE RW DATE 4/17